

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

COLLEEN STOCZYNSKI, and
ROBERT STOCZYNSKI,

Plaintiffs,

v.

ORDER
04-CV-864A

VERIZON COMMUNICATIONS, INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 28, 2006, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion to dismiss the Fourth Claim for relief be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion to dismiss the Fourth Claim for relief is granted.

This case is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 20, 2006